THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9107 OF 2007

DATED 27.04.2007

BETWEEN

Milk Producers Cooperative Society, rep.by
its President Sri Parini Venkataratnam.

… Petitioners

AND

Ramanapalem Gram Panchayat rep.by its Village Secretary, Ramanapalem, Dewarpally Mandal, West Godavari Distriat and another.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9107 OF 2007

ORDER:

Milk Producers Cooperative Society, Ramannapalem village of

Dewarpally Mandal in West Godavari District filed the instant writ petition impugning the proceedings of the District Panchayat Officer bearing Rc.No.949/2007 A7 P, dated 16.03.2007, whereunder first respondent was asked to take over maintenance of the society building and start milk center by DWAKRA group in the Eastern room and a post office in the Western room.

The petitioner, a society registered under A.P.Cooperative Societies Act, 1964, is collecting milk from its members and supply to Godavari Milk Dairy, Rajahmundry, which is apex society. Proceedings were initiated to transfer the apex society partly to Visakha dairy and partly to Krishna District Dairy. The Gram Panchayat allegedly passed resolution on 12.08.1999 allotting Acs.0.04 of land to petitioner society, on which petitioner society constructed building to carry out its purposes. Now the petitioner society decided to run post office and continuous education center, and library in each room. In the meanwhile, first respondent issued notice, dated 19.01.2007, inviting objections on the proposal of Grama Sabha to handover the building to Gram Panchayat. Aggrieved by the same, petitioner submitted a representation to second respondent, who passed impugned order.

Learned counsel for petitioner submits that when petitioner constructed the building, the same cannot be allotted to Gram Panchayat and second respondent has no jurisdiction to do so. **Opposing** the writ petition, learned Assistant Government Pleader for Panchayat Raj points out that the building was constructed by the people of Gram Panchayat, who agreed to give it to Gram Panchayat for maintenance, and therefore, second respondent is competent to pass impugned order.

A perusal of notice, dated 19.01.2007, issued by first respondent and the order, dated 16.03.2007 passed by the second respondent would show that the building was constructed in Grama Kantham land by the people of Gram Panchayat. As the building was not looked after properly, on 17.01.2007, Grama Sabha was conducted, all the participants unanimously resolved to entrust maintenance to Gram Panchayat. The Gram Panchayat then issued notice, dated 19.01.2007, inviting objections. When petitioner filed a representation before the second respondent, he called for the report of the Extension Officer (Panchayat Raj), Dewarpally. After considering the report, second respondent recorded that there is no evidence to show that the building vested in the Gram Panchayat. Therefore, he agreed with the Gram Panchayat and asked the Gram Panchayat to take over the building and run milk center by DWAKRA group and also post office if the Superintendent of Post Office agrees

for the same. These leads to a situation where the building in Ramannapalem is claimed by writ petitioner as well as Gram Panchayat. There is also a dispute as to who constructed the building. In such a case, writ petition is not a proper remedy. The petitioner, which claims the property as belonging to it, has to raise a dispute/arbitration under Section 62 of A.P.Cooperative Societies Act.

The writ petition, subject to above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

27.04.2007.
pln